

HR Weekly Podcast
January 28, 2015

Today is January 28, 2015 and welcome to the HR Weekly Podcast from the State Human Resources Division. This week's podcast focuses on a recent state court decision in the case of "Matter of County of Erie v. New York State Division of Human Rights," involving reasonable accommodation.

In an effort to save money, Erie County decided to remove desktop printers and implement network printers for employees to share. Margaret Pascale, one of the impacted employees, said that, as a result of losing her personal printer, she had to leave her desk constantly to obtain printouts, which was difficult for Pascale because she only has one leg. She had her other leg amputated due to complications from diabetes. Claiming that this leaving her desk constantly was "very tiring," she requested that she be allowed to have a personal printer as a reasonable accommodation. She provided medical certification of her disability from her doctor stating that the amputation was related to her diabetes and that she also suffered from "weak knees" and "chronic back pain." The county denied her request for accommodation since accommodation was not mentioned as a need by her doctor in the medical certification. Pascale filed a discrimination complaint.

The court found that the employer was obligated to determine if a reasonable accommodation existed that would help a disabled individual complete the essential functions of his or her job. The court also found that the county failed to evaluate whether providing the printer would create an undue hardship for the county. And, the court found this situation to be an act of discrimination, awarding Pascale \$2,500 as well as implementing a \$5,000 civil penalty. In addition, the court required the county to provide Pascale with her own personal printer.

The duty to provide a reasonable accommodation is a fundamental requirement of the Americans with Disabilities Act, or ADA, as well as the Americans with Disabilities Amendments Act, or ADAAA. To determine if a request is reasonable, the Equal Employment Opportunity Commission offers the following guidance on its' website:

"The employer and the individual with a disability should engage in an informal process to clarify what the individual needs and identify the appropriate reasonable accommodation. The employer may ask the individual relevant questions that will enable it to make an informed decision about the request. This includes asking what type of reasonable accommodation is needed...Engaging in an interactive process helps employers to discover and provide reasonable accommodation. Moreover, in situations where an employer fails to provide a reasonable accommodation (and undue hardship would not be a valid defense), evidence that the employer engaged in an interactive process can demonstrate a "good faith" effort which can protect an employer from having to pay punitive and certain compensatory damages."

Additional information regarding the requirements of the ADA or ADAAA can be found on www.eeoc.gov. Thank you.